IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:18-CR-00010-RJC-SCR

| UNITED STATES OF AMERICA, |) |
|--|---------------------|
| Plaintiff, |) |
| |) |
| v. | |
| | ORDER OF CONTINUING |
| RANDY ROSCOE JENKINS, JR., Defendant, | GARNISHMENT |
| |) |
| |) |
| and |) |
| |) |
| ROOSEVELT TIRE SERVICE, INC., |) |
| Garnishee. |) |
| |) |

THIS MATTER IS BEFORE THE COURT on the Government's motion for an order of continuing garnishment. (Doc. No. 475).

An Amended Judgment was entered on March 30, 2022. (Doc. No. 410). As part of that Amended Judgment, Defendant Randy Roscoe Jenkins, Jr. was ordered to pay an assessment of \$100.00 and restitution of \$254,453.98 to the victims of the crime. (<u>Id.</u>) The balance due as of September 25, 2023, was \$208,803.85. (Doc. No. 475 at 1).

On September 27, 2023, the Court entered a Writ of Continuing Garnishment ("Writ") (Doc. No. 471) as to Garnishee, Roosevelt Tire Service, Inc. Garnishee was served with the Writ and Instructions on October 2, 2023. Defendant was served with the Writ and Instructions notifying him of his right to request a hearing and/or claim exemptions on October 25, 2023. Garnishee filed an Answer on October 23, 2023 (Doc. No. 474) stating that at the time of service of the Writ, Garnishee had in its custody, control, or possession property or funds owned by

¹ The United States previously attempted to serve Defendant by certified mail on September 28, 2023, but the documents were not successfully delivered to Defendant. (Doc. No. 475).

Defendant, including nonexempt, disposable earnings. Garnishee certified that it served the Answer on Defendant on October 5, 2023. Defendant did not request a hearing. The statutory time to request a hearing has elapsed.

IT IS THEREFORE ORDERED that an Order of Continuing Garnishment is hereby **ENTERED** in the amount of \$208,803.85 computed through September 25, 2023. Garnishee shall pay Plaintiff, the United States of America, up to the lesser of:

- 1. twenty-five percent (25%) of Defendant's disposable earnings which remain after all deductions required by law have been withheld, or
- 2. the amount by which Defendant's disposable earnings for each week exceed thirty (30) times the federal minimum wage.

<u>See</u> 15 U.S.C. § 1673(a). Garnishee shall continue payments until the debt to the United States is paid in full; until the Garnishee no longer has custody, possession, or control of any property belonging to Defendant; or until further Order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to:

CLERK OF THE UNITED STATES DISTRICT COURT 401 WEST TRADE STREET CHARLOTTE, NORTH CAROLINA 28202

To ensure that each payment is credited properly, the following should be included on each check: Defendant's Name Randy Roscoe Jenkins, Jr., Court Number DNCW3:18CR10-07.

IT IS FURTHER ORDERED that Garnishee shall advise this Court if Defendant's employment is terminated at any time by Garnishee or Defendant.

IT IS FURTHER ORDERED that the United States shall submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment Defendant

would normally receive may be offset and applied to this debt.

SO ORDERED.

Signed: December 4, 2023

Susan C. Rodriguez

Roding United States Magistrate Judge